



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Paris et al.

Serial No 10/753,073

Art Unit: 1616

Filed on: January 08, 2004

Examiner: CHOI, Frank

for: Contraceptive method and composition.

DECLARATION UNDER 37 C.F.R. § 1.132

Honorable Commissioner of Patents and Trademarks
Washington, DC 20231

Sir:

The undersigned, Jean-Louis THOMAS, of France, declares as follows:

1. I am a Medical Doctor (MD) and a Pharmacist holding such degree from the University of Nancy (France).

I have fulfilled the following functions:

1969-1972: Pharmacist Resident, Nancy hospitals

1973-1975: Consulting Pharmacist, Nancy hospitals

1975-1976: Medical Resident, Hôpital des Armées, Nancy

1976-1980: Medical Resident, Nancy hospitals

1980-1984: Assistant Resident, Centre Hospitalier Universitaire (CHU), Nancy

1984-1985: Senior Consultant-Assistant professor, CHU, Nancy

1985-1987: Senior Consultant, Nancy hospitals

Since 1985: Director of the clinical Research and Development Department, Théramex Laboratory, Paris

Since 1988: Senior Consultant, Paris hospitals
(Department of Endocrinology, Diabetology and Nutrition, CHU Henri-Mondor, Crêteil)

I devoted many years of my professional life in the field of Endocrinology and Clinical Pharmacology.

I am the applicant of several publications, many of them on the use of hormones in women.

I direct a team that develops hormones for use in contraception and menopause.

2. I am a co-inventor of the captioned application.

3. Concerning the application No 10/753,073, "I declare that prior art does not teach oral administration of the combination since Jamin teaches the concomitant use of two formulations: nomegestrol acetate (NOMAC) by oral route and estradiol by percutaneous route.

Jamin teaches that the effective dose of NOMAC achieving contraception is 5mg daily and he does not teach that the range of NOMAC daily doses (from 0.1 to 2.5 mg) is effective.

Jamin teaches that a small dose of percutaneous estradiol (50 µg a day) is able to avoid bleeding pattern abnormalities observed with a high dose of oral nomegestrol acetate (5mg a day) given alone as a contraceptive agent.

On the contrary, the present application claims that the combination of NOMAC with a higher dose of oral E2 (0.3 to 3 mg a day) not only results in a good bleeding pattern but also enhances the contraceptive efficacy of NOMAC (as described in the disclosure page 22 line 31 to page 23, line 11 and shown in table I of example II page 35). This potentiation was never demonstrated before.

To summarize, according to Jamin's paper, the contraceptive effect is only due to NOMAC used at a high dose.

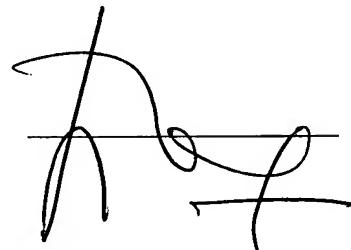
Furthermore, never at any time Jamin gives the indication of the mechanism of the contraceptive effect.

On the contrary, application 10/753,073 is mainly based on the potentiation of NOMAC by oral estradiol, both hormone components of the combination acting to suppress the secretion of pituitary hormones (ie gonadotropins: LH and FSH) involved in follicular growth and ovulation. The potentiation discovered and reported in the present application allows to use NOMAC in contraception at lower doses than the unique dose given by Jamin."

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed this 15 day of June 2005

Jean-Louis THOMAS

A handwritten signature in black ink, appearing to read "JL Thomas".